No. ~~623~~ 54

In the Supreme Court of the United States

OCTOBER TERM, 1956

FRANCISCO MENDOZA-MARTINEZ, PETITIONER

v.

ARGYLE F. MACKEY, COMMISSIONER OF IMMIGRATION AND NATURALIZATION AND HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE RESPONDENTS

J. LEE RANKIN,
Solicitor General,
Department of Justice, Washington 25, D. C.

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The sole issue raised by the petition for a writ of certiorari is the constitutionality of Section 401 (j) of the Nationality Act of 1940, as amended, which provides for the expatriation of persons who depart from the United States in time of war for the purpose of evading service in the armed forces. As petitioner states, that issue of constitutionality is now before this Court for consideration in *Perez* v. *Brownell*, No. 572, in which the petition for a writ of certiorari was

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granted on November 13, 1956. 352 U. S. 908. The government therefore does not oppose the grant of certiorari in this case.

Respectfully submitted.

J. LEE RANKIN,
Solicitor General.

DECEMBER 1956.